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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,431	06/16/2000	David Weiss	2420-0016	2886

22204 7590 01/06/2005

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,431

Applicant(s)

WEISS, DAVID

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-55 and 57-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-55 and 57-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1, 3-12, 14-55, and 57-67 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 depends upon a cancelled claim.

Correction is required.

4. Claim 44 recites, "said vehicle-onboard computer" which lacks antecedent basis.

Correction is required.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-12, 14-25, 28-41, 45-52, 57-62, 63-66, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (USPN 6,218,964) in view of Philyaw (USPN 6,708,208).

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6. Referring to independent claims 1 and 45 (e.g. exemplary claim 1), Ellis discloses a computer architecture for providing a bridge between tangible media (i.e. printed information) and computer media (i.e. information stored on the computer or Internet), said computer architecture comprising:

a server computer system including a database and a server control program (col. 5, lines 1-20);

a portable client device 10 including a bridge control program 26 and an input device 22, said device adapted to receive and store bridge codes associated with tangible media objects entered via the input device (Figure 2; col. 2, line 58 to col. 3, line 67); and

a communication channel coupling said bridge server and said client device to download the previously stored bridge codes from the client device to the bridge server computer system (Figure 2, ref. 64; col. 5, lines 1-20).

Ellis does not specifically state the server is a bridge server and the server control program queries the database based on a received bridge code, displays a link to a computer media different than the portable client device, and upon activation of the link to execute action commands contained in the database to correspond to the bridge code. In analogous art, Philyaw discloses another computer architecture for providing a bridge between tangible media and computer media which state the server is a bridge server (the Office takes the term "bridge server" to mean a server which can interpret the bar code into a useful link such as the wedge interface described in Philyaw) (col. 16, lines 43-58), and the server control program queries the database based on a

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received bridge code (Figure 6, ref. 606), displays a link to a computer media different than the portable client device (Figure 8, ref. 804, 806), and upon activation of the link to execute action commands contained in the database to correspond to the bridge code (col. 10, lines 5-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in conjunction with the Internet. This would lead one of ordinary skill in the art to search for novel methods for use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

7. Referring to claim 3, Ellis discloses the invention substantively as described in claim 1, however does not specifically disclose the links are displayed on a web page. In analogous art, Philyaw discloses another computer architecture for providing a bridge between tangible media and computer wherein the links are displayed on a web page (Figure 8, ref. 804, 806). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in conjunction with the Internet. This would lead one of ordinary skill in the art to search

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for novel methods for use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

8. Referring to claim 4, Ellis discloses the portable device communicates with the client computer system via a local communications channel selectively coupling said client computer system to said portable client device, said input device being disposed in said portable client device and the bridge code being uploaded from said portable client device to said client computer (col. 4, lines 27-49).

9. Referring to claim 5, Ellis discloses the invention substantively as described in claim 1, however does not specifically disclose the action commands comprise instructions for displaying a web page sorted on a separate content server. In analogous art, Philyaw discloses another computer architecture for providing a bridge between tangible media and computer wherein the action commands comprise instructions for displaying a web page sorted on a separate content server (col. 10, lines 1-54). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in conjunction with the Internet. This would lead one of ordinary skill in the art to search for novel methods for

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use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

10. Referring to claim 6, Ellis in view of Philyaw discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Ellis in view of Philyaw does not specifically disclose that the portable client device is a wireless phone. However, it is well known in the art that wireless phones can connect to computers in order to transfer information between them (i.e. download calendars, upload to-do lists, etc.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hudetz to include a portable device as a wireless phone in order to provide a mobility factor to the user, enabling the user to transfer information entered earlier while the person was out to the computer when they get home

11. Referring to claims 7 and 8, Ellis in view of Philyaw discloses the invention substantively as described in claim 4. Ellis in view of Philyaw further disclose the local communications channel is a wireless channel (Figure 6, whole figure), however does not specifically state it is an infrared or an RF communications channel. "Official Notice" is taken that both the concepts and advantages of providing for infrared or RF communications over wireless is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include either infrared or RF

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communications into the system of Ellis and Philyaw to provide a simplified and well known wireless communication method to the system, thereby reducing cost of the implementation.

12. Referring to claim 9, Ellis in view of Philyaw discloses the invention in claim 5. Since the displaying of a webpage inherently downloads data to a client device in order to display the web page, it is rejected for similar reasons as stated above.

13. Referring to claim 10, Ellis in view of Philyaw discloses the invention substantively as described in claim 9. Ellis in view of Philyaw does not specifically disclose the data comprises a computer media copy of an article in a media object, however Philyaw does disclose the invention can be used in newspapers and advertisements (col. 15, lines 42-59). By this rationale, one of ordinary skill in the art would understand it would be feasible to be able to provide a media copy of the article as seen in the newspaper and would have found it obvious to do so since related information is shown, and therefore can display the information about the product.

14. Referring to claim 11, Ellis discloses the invention as stated in claim 9. Ellis does not state the data is a computer media coupon related to products described in the media object. Philyaw discloses the data is a computer media coupon related to products described in the media object (col. 15, lines 20-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the

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teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in conjunction with the Internet. This would lead one of ordinary skill in the art to search for novel methods for use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

15. Referring to claim 12, Ellis discloses the invention as stated in claim 9. Ellis does not state the data is a computer media copy of information related to the object. Philyaw discloses the data is a computer media copy of information related to the object (col. 15, lines 20-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in conjunction with the Internet. This would lead one of ordinary skill in the art to search for novel methods for use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

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16. Referring to claim 14, Ellis discloses the invention stated in claim 1. Ellis does not state the link is displayed on a web page. Philyaw discloses the link is displayed on a web page (Figure 8, ref. 804, 806). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in conjunction with the Internet. This would lead one of ordinary skill in the art to search for novel methods for use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

17. Referring to claim 15, Ellis discloses the invention stated in claim 14. Ellis does not state the link is to a vendor web site for facilitating purchase of a product described in the object. Philyaw discloses the link is to a vendor web site for facilitating purchase of a product (it is understood that "facilitating purchase of a product" is understood to mean "providing means to enhance the stature of the product in order to convince the user to purchase the product" such as promotional programs) (Figure 2, ref. 212; col. 15, lines 20-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Ellis since Ellis discloses the invention can be used "to enjoy the benefits of, and contribute to the Internet" (col. 5, lines 1-3), however is silent on how the invention can be used in

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conjunction with the Internet. This would lead one of ordinary skill in the art to search for novel methods for use of using a scanner to scan in printed material with the Internet, eventually finding the system disclosed in Philyaw whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

18. Referring to claim 16, Ellis in view of Philyaw discloses the invention substantively as described in claim 1. Ellis in view of Philyaw furthermore states the input device is a bar code reader adapted to read the bridge code in the form of bar codes (Ellis, col. 6, lines 29-42).

19. Referring to claim 17 and 18, Ellis discloses the communication channel is the Internet (Figure 6; col. 5, lines 1-20).

20. Referring to claim 19 and 20, Ellis discloses the client computer comprises a wireless communication device and network (it is understood that two computers communicating constitutes a network (Figure 6, all).

21. Claims 21, and 22 are rejected for similar reasons as stated above.

22. Referring to claims 23 and 24, Ellis in view of Philyaw discloses the invention as stated above. Ellis in view of Philyaw do not disclose the wireless communication

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device is a wireless digital phone. However it is well known in the art that cellular and wireless digital phones can be connected to a modem on computers to be used to dial into an ISP and provide communication with a wireless network and to the Internet.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ellis in view of Philyaw to include a cellular wireless capabilities to the system of Ellis in view of Philyaw to provide motility to the user as well as for convenience and applicability

23. Claim 25, 28-31 is rejected for similar reasons as stated above. Furthermore Ellis discloses the wireless device is a PDA (col. 5, line 66 to col. 6, line 9).

24. Referring to claim 32, Ellis discloses the tangible media comprises a transmitter device configured to transmit said bridge codes (i.e. bar codes) (col. 6, lines 29-42).

25. Referring to claims 35-36, Ellis in view of Philyaw disclose the invention substantively as described in claim 33. Ellis in view of Philyaw does not specifically disclose the input device is a RF receiver or an infrared receiver, however both of these technologies are well known in the art and can be used instead of bar code readers in order to provide input to the system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an RF receiver or an infrared receiver to further enhance the invention by not requiring line-of-sight vision with the object

26. Claims, 33-34, 37, 38- 41, 46-52, 57-60, 62, 63-66, and 67 are rejected for similar reasons as stated above.

27. Referring to claim 61, Ellis in view of Philyaw disclose the invention substantively as described in claim 45, however does not specifically disclose the inputting step comprises speaking the bridge code into a wireless communication device. However Ellis does disclose speaking into the wireless device to record information and also transmitting a bridge code scanned into via the scanner (e.g. abstract; col. 2, line 65 to col. 3, line 19). By this rationale, it would have been obvious to one of ordinary skill in the art to modify the invention of Ellis in view of Philyaw to be able to speak the bridge code into the device in order to provide another method of input to the user, allowing handicapped users the ability to use the invention without having to physically manipulate the invention over the bar code.

Claims 26-27, 42-44, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Philyaw and further in view of Caci (USPN 6,154,658).

28. Referring to claim 26 and 27, Ellis in view of Philyaw discloses the invention substantively as described in claim 19. Ellis in view of Philyaw do not disclose the wireless communication device is a vehicle on-board computer. In analogous art, Caci discloses a computer architecture to bridge tangible media (i.e. bar codes) with

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computer media (i.e. the vehicle) which includes the wireless communication device is a vehicle on-board computer with navigational system (Figure 2, ref. 38-41). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Caci with Ellis and Philyaw to provide motility to the user as well as for convenience and applicability.

29. Claims 42-44, and 53-55 are rejected for similar reasons as stated above.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
32. Olschafskie et al. (USPN 6,616,038) discloses selective text retrieval system.
33. Knowles (USPN 6,321,991) discloses web based bar-code driven remote control service.
34. Williams et al. (USPN 5,899,700) discloses embedded multimedia control code method.
35. Rhoads (USPN 6,311,214) discloses linking of computers based on optical sensing of digital data.
36. Konishi (USPN 6,611,623) discloses acquiring an objective image and identifying information from the image.

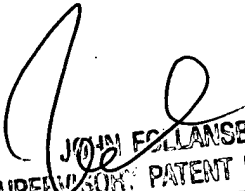
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
December 14, 2004


JOHN E. COLLINSBEE
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100